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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,662	07/13/2001	Klaus Titzschkau	14506	2238

7590 12/18/2001

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400 Garden City Plaza  
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EXAMINER

RAJGURU, UMAKANT K

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 12/18/2001

6

#6

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-6

## Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period of Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-11 is/are pending in the application.
- Of the above claim(s) 4-6 and 10 are is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-3, 7-9 and 11 ~~1-11~~ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1711

1. Claims 1-11 are under examination.
2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 provides for the use of a copper salt, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 9 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

3. Claims 4-6 and 10 are objected to under 37 CAR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-6 and 10 have not been further treated on the merits.

*moot  
cancelled*

*withdrawn  
May 28, 2002*

Art Unit: 1711

4. Claims 1, 2, 3 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 is indefinite in reciting an improper Markush terminology. Proper terminology is *with "one selected from the group consisting of".* *moot  
∴ cancelled*

Claim 1 is indefinite in reciting "or mixtures thereof". Correct words are "and mixtures thereof".

Claim 3 is indefinite in reciting "copper (I) halide". A parenthesis is not permitted in a claim language. Proper wording may be cuprous halide (or cupric halide as the case may be). *with drawn  
May 28 2002*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gijsman, P (EP 390277).

Gijsman discloses a stabilized polyamide composition which contain 100 parts by wt. of polyamide, 0.001-0.2 part by wt of copper and 0-1-25 parts wt of a halogen-substituted organic compound (abstract; p.2, lines 15-18).

Copper is added in form of an water-insoluble salt e.g. copper iodide (p.2, line 19). A suitable organic compound a halogen-substituted epoxy and styrene oligomer *or* polymer (p.2, lines 20-27).

Art Unit: 1711

Gijsman does not offer any suggestion or hint for the claimed limitation of instant claim 1 viz that "if the aromatic compound is a brominated styrene oligomer, the polyamide is not polyamide 4, 6 and also formation of master-batch of copper salt and organic halogen compound (of instant claim 8)". It is the examiner's position that Gijsman satisfies this limitation because Gijsman teaches the use of a brominated epoxy oligomer or polymer and therefore Gijsman is not limited exclusively to brominated styrene oligomer or polymer. Furthermore preparation of master batches is a well-known technique in the art in order to control precisely the addition of small amounts of components. It would therefore have been obvious to follow teachings of Gijsman and arrive at instant invention.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gijsman P (EP 390277) as applied to claim 7 above, and further in view of Rody et al (U.S.P. 4299926).

Rody discloses polymeric light stabilizers for plastics wherein organic phosphites are disclosed as light stabilizers (col. 63, lines 41-44).

Therefore it would have been obvious to add obvious to add organic phosphites to the composition of Gijsman because such an addition is known to bring in synergistic effects in stabilization.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1711

9. Claims 1-3, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gijnsman P, (EP 390277).

Disclosure of Gijnsman which is summarized earlier reads on the (claimed) composition containing polyamide, copper halide and brominated epoxy oligomer or polymer.

Above claims therefore lack novelty.

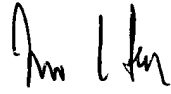
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. K. Rajguru whose telephone number is (703) -308-3224. The examiner can normally be reached on Monday through Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck, can be reached on (703) -308-2462. The fax phone number for the organization where this application or proceeding is assigned is (703) -872-9310 or 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) -308-0661.

  
Rajguru/LR

12/13/01

  
James J. Seidleck  
Supervisory Patent Examiner  
Technology Center/700